

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

SAN LEANDRO UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2015050121

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE, AND DUE PROCESS
HEARING

On May 18, 2015, Student filed a request to continue the dates in this matter in order to obtain legal representation. Student requested that a prehearing conference be scheduled for August 21, 2015, and that the due process hearing begin on August 27, 2015. On May 19, 2015, San Leandro Unified School District filed a notice of non-opposition to Student's request but proposed alternative dates due to attorney and witness availability. Both parties requested a mediation be scheduled for Tuesday, July 28, 2015.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated. The proposed dates for the due process hearing are more than 90 days following the requested continuance. Good cause was not established for that length of continuance. The matter is now set as follows.

Mediation:	July 28, 2015, at 9:30 AM
Prehearing Conference:	August 10, 2015, at 10:00 AM
Due Process Hearing:	August 18, 2015, at 9:30 AM, August 19, 2015, August 20, 2015, at 9:00 AM and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: May 20, 2015

/s/

JOY REDMON
Administrative Law Judge
Office of Administrative Hearings